

REMARKS

Claims 1, 29, 32, and 52-57 are currently pending, claims 49-51 are cancelled herein.
Claims 1, 29, 32 and 52-54 are allowed. Claims 55-57 are rejected.

Objections to the Specification

Examiner's item 11: Objections to Tables 7, 8, 9, 11, 25, 15, 16 and 20 were maintained as the Examiner contends that the use of "different SEQ ID NOs identifying identically labeled sequences" is confusing. Applicant respectively points out descriptors for each sequence are followed by the specific residue number that distinguishes between the sequences that are otherwise labeled the same. Specifically, in Table 7, page 12 line 36, is "CHR Y: 78289" at line 41, "CHR Y: 78349" and at page 13, line 4, "CHR Y: 78409" whereas in Table 8, page 13, line 9 the sequence is labeled as "CHR Y:26694" at line 14 "CHR Y:26754" and at line 19, "CHR Y: 26814". Each table is referencing a different part of a known sequence, i.e. CHR Y nucleic acids 78289 to 78452, SEQ ID NO:19 in Table 7 and CHR Y nucleic acids 26694 to 26857, SEQ ID NO:21 in Table 8. For further clarification, Table 9 shows GLY T amino acids 169 to 622 (SEQ ID NO:23); Table 11 shows GLY T amino acids 434 to 622 (SEQ ID NO:26); and Table 25 shows GLY T amino acids 134 to 752 (SEQ ID NO:48). Table 15 shows PP1201 nucleic acids 5 to 708 (SEQ ID NO:31) and PP1201 nucleic acids 777 to 1782 (SEQ ID NO:33). Table 16 shows CHR 2 nucleic acids 21496 to 20569 (SEQ ID NO:35) whereas Table 20 shows CHR 2 nucleic acids 149104 to 149652 (SEQ ID NO:41). Applicant believes the tables are labeled as is standard in the art and requests that the Examiner reconsider and withdraw the objection.

Examiner's item 12: Objection to Table 18 as NOV5 is labeled as SEQ ID NO:38 whereas the text describes NOV5 polypeptide as SEQ ID NO:10. The NOV5 full length polypeptide sequence is SEQ ID NO:10. In Table 18 NOV5 amino acid residues 1051 to 1266 is SEQ ID NO:38. Applicant believes the tables are labeled as is standard in the art and requests that the Examiner reconsider and withdraw the objection.

Examiner's item 13: Objection to Tables 2-27 as incorrectly imbedded in the text.
Applicant is unaware of any code, regulation, or MPEP guidance that requires the material such

as that presented in Tables 2-27 be presented in figures rather than tables. If such a requirement exists, Applicants respectfully request that the Examiner bring it to Applicant's attention such that applicant may comply.

Examiner's item 14: Objection to the Abstract for describing claimed invention only and not completely describing the disclosed subject matter. The Abstract has been replaced herein. Support for this description can be found in the application as filed, no new matter has been added.

Examiner's item 15: The amendment filed April 24, 2003 to the sequence listing (Paper No. 13) is objected to under 35 U.S.C. §132 as the examiner states it introduces new matter to the disclosure. In the original Sequence listing SEQ ID NO:6 is a 616 amino acid protein. In the amended Sequence listing SEQ ID NO:6 is a 617 amino acid protein, an "Xaa" had been added at position 50 of SEQ ID NO:6. The examiner states it is unclear where support can be found for the change. Applicants point to the specification as originally filed, page 11 line 43, where the corresponding part of SEQ ID NO:6 is shown as "...Pro---Val". The portion of the nucleotide sequence SEQ ID NO:5 encoding this part of SEQ ID NO:6 is shown in the specification on page 10, line 39 as "...CCCCNTGTC...". In the nucleic acid sequence shows the presence of a codon however, does not code for a specific amino acid, hence the "---" in the amino acid sequence and "Xaa" in the amended sequence listing.

Rejections under 35 U.S.C. § 112

Claims 55-57 are rejected under 35 U.S.C. § 112, first paragraph, written description as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed, had possession of the claimed invention. While Applicant disagrees with the Examiner's position, to expedite prosecution of the application, claim 55 has been amended. Applicant request that this rejection be withdrawn.

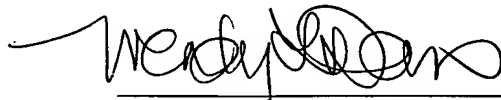
Applicants: Vernet, et al
U.S.S.N.: 09/783,436

Further, Claims 49-51 are rejected under 35 U.S.C. § 112, first paragraph, new matter, as failing to comply with the written description requirement. Applicant has cancelled claims 49-51 therefore this rejection is moot.

CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this paper is fully responsive and that the pending claims are in condition for allowance. Such action is respectfully requested. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Wendy L. Davis, Reg. No. 38,427
Agent for Applicants
CuraGen Corporation
Intellectual Property Department
555 Long Wharf Drive
New Haven, CT 06511
(203) 974-6310

Dated: January 12, 2004